

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHRISTIE DAVIS,)	
)	
Plaintiff,)	CV 01-1752-ST
)	
v.)	
)	
TEAM ELECTRIC COMPANY,)	ORDER
)	
Defendant.)	

Magistrate Judge Janice Stewart filed her Findings and Recommendation (docket # 120) on June 17, 2005. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981). Plaintiff has filed objections, which I have carefully studied.

After reviewing the Magistrate Judge's report de novo, I find no error with respect to the controlling legal principles

or their application to this case. Plaintiff has pointed to what she believes are errors or omissions in the fact statement. In resolving this case, it is not necessary for me to decide whether Plaintiff is correct. Even if I assume the truth of these additional alleged facts --as opposed to Plaintiff's speculation or her opinion regarding the significance of various events-- it would not alter the outcome. Accordingly, any factual dispute is not "material."

I therefore adopt Magistrate Judge Stewart's report. Defendant's motion (# 82) for summary judgment is granted. Plaintiff's motion (# 90) for summary judgment is denied.

DATED this 27 day of July, 2005.


OWEN M. PANNER
U.S. DISTRICT JUDGE